



JC19 Rec'd T/PTO 18 MAY 2001

OFPS File No.: P/3610-12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of  
Maurice CHAZALET, et al.  
Serial No.: 09/787,631  
Filed: March 20, 2001  
For: FUNGICIDAL COMPOSITIONS  
Commissioner for Patents  
Box PCT  
Washington, DC 20231

Date: May 15, 2001  
Group Art Unit: --  
Examiner: --

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US) and  
NOTIFICATION OF DEFECTIVE OATH OR DECLARATION

Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. § 371 in the United States Designated/Elected Office (DO/EO/US), mailed May 2, 2001, we have previously submitted the Inventors' Declaration (copy enclosed) and paid the required fees on April 13, 2001 as evidenced by the attached copy of a postcard stamped by the U.S. Patent and Trademark Office.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account #15-0700.

If this communication is filed after the time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box PCT, Washington, D.C. 20231, on May 15, 2001:

Respectfully submitted,

Edward A. Meilman

\_\_\_\_\_  
Name of applicant, assignee or  
Registered Representative

*Edward A. Meilman*  
\_\_\_\_\_  
Signature

May 15, 2001

\_\_\_\_\_  
Date of Signature

*Edward A. Meilman*  
\_\_\_\_\_  
Edward A. Meilman  
Registration No.: 24,735  
OSTROLENK, FABER, GERB & SOFFEN  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone: (212) 382-0700

Serial No. 09/787,631 Filing Date 3/20/2001 OFGS File No. P/3610-12  
Title FUNGICIDAL COMPOSITIONS  
First Inventor Maurice CHAZAL ET AL Date 4/13/2001  
The PTO has received: Last Due Date: \_\_\_\_\_

- ☐ Patent Application of \_\_\_\_\_  
Pages (including claims & abstract)  
☒ Declaration or ☐ Designation Sheet  
☐ Drawings \_\_\_\_\_ Sheet(s)/Figs. \_\_\_\_\_ to \_\_\_\_\_  
☐ Priority Document  
☐ Small Entity Declaration  
☒ Assignment & Conveyance Cover Sheet  
☐ Information Disclosure Statement  
☐ PTO-1449  
☐ Amendment  
☐ Affidavit or Declaration

- ☐ TM Application ☐ ITU Basis  
☐ Statement of Use  
☐ Extension of Time  
☐ Notice of Appeal  
☐ Brief  
☐ Petition  
☐ Status Request

PTO STAMP

- ☐ Issue Fee  
☒ Certificate of Mailing  
☒ Express Mail No. EL075475124US

☒ PCT Second Submission  
☒ Check No. 004162 for \$ 170

Atty/Secy AM/MS

JC04 Rec'd PCT/PTO 1 3 APR 2001

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

P/3610-12

U.S. APPLICATION NO. (if known, see 37 CFR 1.55)

09/787,631

INTERNATIONAL APPLICATION NO.

PCT/FR99/02223

INTERNATIONAL FILING DATE

20 September 1999

PRIORITY DATE CLAIMED

21 September 1998

TITLE OF INVENTION

FUNGICIDAL COMPOSITIONS

APPLICANT(S) FOR DO/EO/US

Maurice CHAZALET, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
  2. ☒ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
  3. ☐ This is an express request to promptly begin national examination procedures 35 U.S.C. 371(c).
  4. ☐ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
  5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
    - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
    - b. ☐ has been communicated by the International Bureau.
    - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
  6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
    - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
    - b. ☐ have been communicated by the International Bureau.
    - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
    - d. ☐ have not been made and will not be made.
  8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
  9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
  10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11 to 16 below concern document(s) or information included:
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
  12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
  13. ☐ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
  14. ☐ A substitute specification.
  15. ☐ A change of power of attorney and/or address letter.
  16. ☐ Other items or information:

## EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label)

EL075475124US in an envelope addressed to:  
Asst. Commissioner for Patents, Washington, D.C. 20231,  
on April 13, 2001

Dorothy Jenkins

Name of Person Mailing Correspondence

Signature

April 13, 2001

Date of Signature

EL075475124US

U.S. APPLICATION NO. (if known, see 37 CFR 1.53)

09/787,631

INTERNATIONAL APPLICATION NO.

PCT/FR99/02223

ATTORNEY'S DOCKET NUMBER

P/3610-12

17. ☒ The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):

Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO ..... \$1000.00

International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO ..... \$860.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but  
international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$710.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$690.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☒ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	- 20 =		X \$18.00
Independent claims	- 3 =		X \$80.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		- \$270.00	

TOTAL OF ABOVE CALCULATIONS =

\$

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above  
are reduced by 1/2.

\$

SUBTOTAL =

\$

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

TOTAL NATIONAL FEE =

\$

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.23, 3.31). \$40.00 per property -

\$

40.00

TOTAL FEES ENCLOSED =

\$

Amount to be  
refunded: \$  
charged: \$

a. ☒ A check in the amount of \$ 170.00 to cover the above fees is enclosed. Check No. 004162

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 15-0700. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR  
1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 Avenue of the Americas  
New York, NY 10036-8403

Tel: (212) 382 0700

*Edward A. Meilman*  
SIGNATURE:

Edward A. Meilman

NAME

24,735

REGISTRATION NUMBER

USA 98056

UNITED STATES OF AMERICA COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION		OFGS FILE NO. P/3610-12	
<p>As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named) of the subject matter which is claimed and for which a patent is sought on the invention entitled:</p> <p style="text-align:center"><u>New fungicide compositions</u></p>			
the specification of which is attached hereto, unless the following box is checked:			
<input type="checkbox"/> was filed on <u>20 September 1999</u> as United States patent Application Number or PCT International patent application number <u>PCT/FR99/02223</u> and was amended on _____ (if any).			
I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.			
I acknowledge the duty to disclose all information known to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.			
I hereby claim priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate or United States provisional application(s) listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:			
Prior Foreign or Provisional Application(s)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING <small>(day, month, year)</small>	PRIORITY CLAIMED UNDER 35 U.S.C. 119
France	98/11895	21 September 1998	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.			
UNITED STATES APPLICATION NUMBER	DATE OF FILING <small>(day, month, year)</small>	STATUS <small>(patented, pending, abandoned)</small>	
I hereby appoint customer no. 3352 OSTROLENK, FABER, GERB & SOFFEN, LLP, and the members of the firm, Samuel H. Weiner - Reg. No. 18,510; Jerome M. Berliner - Reg. No. 18,653; Robert C. Faber - Reg. No. 24,322; Edward A. Meilman - Reg. No. 24,735; Steven I. Weisburd - Reg. No. 27,409; Max Moskowitz - Reg. No. 30,576; Stephen A. Soffen - Reg. No. 31,063; James A. Finder - Reg. No. 30,173; William O. Gray, III - Reg. No. 30,944; Louis C. Dujmich - Reg. No. 30,625; Douglas A. Miro - Reg. No. 31,643, and Michael J. Scheer - Reg. No. 34,425, as attorneys with full power of substitution and revocation to prosecute this application, to transact all business in the Patent & Trademark Office connected therewith and to receive all correspondence.			
SEND CORRESPONDENCE TO:		DIRECT TELEPHONE CALLS TO:	
OSTROLENK, FABER, GERB & SOFFEN, LLP 1180 AVENUE OF THE AMERICAS NEW YORK, NEW YORK 10036-8403 CUSTOMER NO. 3352		(212) 382-0700	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
FULL NAME OF SOLE OR FIRST INVENTOR		INVENTOR'S SIGNATURE	DATE
Maurice CHAZALET			20/03/2001
RESIDENCE (City and either State or Foreign Country)		COUNTRY OF CITIZENSHIP	
F-69480 ANSE, France		France	
POST OFFICE ADDRESS			
Le Mont Lucenay, F-69480 Anse, France			
FULL NAME OF SECOND JOINT INVENTOR (IF ANY)		INVENTOR'S SIGNATURE	DATE
Patrice DUVERT			March 16, 2001
RESIDENCE (City and either State or Foreign Country)		COUNTRY OF CITIZENSHIP	
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POST OFFICE ADDRESS			
74, quai Gillet, F-69004 Lyon, France			
FULL NAME OF THIRD JOINT INVENTOR (IF ANY)		INVENTOR'S SIGNATURE	DATE
Jean-Marie GOUOT			March 15, 2001
RESIDENCE (City and either State or Foreign Country)		COUNTRY OF CITIZENSHIP	
F-69450 SAINT CYR AU MONT D'OR, France		France	
POST OFFICE ADDRESS			
24, allée des Eglantiers, F-69450 SAINT CYR AU MONT D'OR, France			

☐ CONTINUED ON PAGE 2

